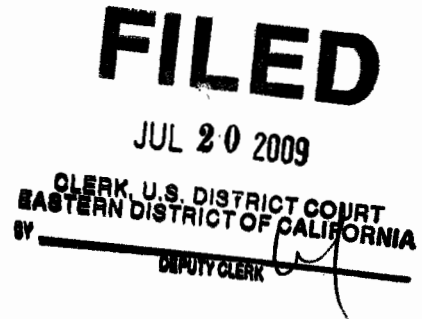


LAWRENCE G. BROWN
Acting United States Attorney
BENJAMIN B. WAGNER
Assistant U.S. Attorney
501 I Street, suite 10-100
Sacramento, California 95814
Telephone: (916) 554-2700



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	
)	2:97-cr-00512 EJG
Plaintiff,)	
)	
v.)	MOTION FOR LEAVE TO DISMISS
)	PURSUANT TO RULE 48(a);
JOSE T. YULO,)	ORDER
Defendant.)	

The United States of America hereby moves pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure for leave to dismiss the Indictment. In support thereof, the United States represents as follows:

This case was indicted on October 9, 1997 followed by a superseding indictment on April 10, 1998. The superseding indictment charged a single defendant, Jose T. Yulo, with mail fraud in connection with a scheme to defraud insurance companies, and aiding the preparation of several false tax returns. The criminal conduct alleged in the superseding indictment occurred between January 1991 and April 1995. The loss to the insurance companies, according to the superseding indictment, was approximately \$120,000.

1 Although formerly a resident of San Diego, Yulo appears to have fled
2 prior to indictment. He is believed to have gone to the
3 Philippines, but has not been located. Defendant Yulo has never
4 appeared in this district, and it is not likely that he will return
5 or be apprehended in the foreseeable future.

6 Over ten years have passed since the defendant fled and was
7 indicted in this case. Most of the criminal conduct at issue
8 occurred at least 16 years ago. I have discussed this matter with
9 the investigating agencies, the FBI and IRS-CI, and those agencies
10 agree that the evidence is stale and that it currently appears
11 unlikely that the defendant will be apprehended and brought to this
12 district in the near future. Accordingly, the Government seeks
13 leave to dismiss the indictment and superseding indictment in this
14 case.

15
16 Date: July 15, 2009

Respectfully Submitted,

17 LAWRENCE G. BROWN
18 Acting United States Attorney

19 /S/ Benjamin Wagner
By: BENJAMIN B. WAGNER
20 Assistant U.S. Attorney
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1 LAWRENCE G. BROWN
Acting United States Attorney
2 BENJAMIN B. WAGNER
Assistant U.S. Attorney
3 501 "I" Street, Suite 10-100
Sacramento, California 95814
4 Telephone: (916) 554-2700
5
6

7 IN THE UNITED STATES DISTRICT COURT FOR THE
8 EASTERN DISTRICT OF CALIFORNIA
9

10
11 UNITED STATES OF AMERICA,)
12 Plaintiff,) 2:97-Cr-00512 EJG
13 v.) ORDER DISMISSING INDICTMENT
14 JOSE T. YULO,)
15 Defendant.)
16

17 The United States has moved pursuant to Rule 48(a) of the
18 Federal Rules of Criminal Procedure for leave to dismiss the
19 Indictment and Superseding Indictment. Good cause having been
20 shown, leave to dismiss the Indictment and Superseding Indictment is
21 **GRANTED**, and the Indictment and Superseding Indictment are hereby
22 **DISMISSED**.
23
24

25 DATE: 7/16/09


26 HON. EDWARD J. GARCIA
27 U.S. District Court Judge
28